



OFFICE OF THE PROSECUTING ATTORNEY  
24<sup>TH</sup> JUDICIAL CIRCUIT  
HAMILTON COUNTY, INDIANA

## PRESS RELEASE

Thursday, November 6, 2014

### Background

Following an investigation conducted by the Fishers Police Department, law enforcement officers have arrested Maxwell Hunt Winkler following the filing of a charge and the issuance of an arrest warrant.

The State charged Mr. Winkler with a single count of Murder, a felony. Although Mr. Winkler is only seventeen years of age, a charge of Murder is filed directly into adult court rather than subjected to a "waiver" process. The charge was filed with a Hamilton County judge in the early morning hours of November 4, 2014.

Mr. Winkler had his initial hearing on November 5<sup>th</sup> in Hamilton Superior Court III. A plea of Not Guilty was entered on his behalf and will become a formal plea of Not Guilty after twenty days. Andrew Barker and James H. Voyles appeared as counsel for Mr. Winkler. The charge was filed this morning with the Hamilton County Clerk and will proceed under cause number 29D03-1411-MR-009033. Court dates have been set as follows:

- Omnibus / pretrial conference January 13, 2015
- Final pretrial conference March 2, 2015 at 1:30 p.m.
- Jury trial April 7, 2015 at 9:00 a.m.

Mr. Winkler remains held at the Hamilton County Jail without bail.

Probable cause was provided orally to the Court on November 4<sup>th</sup> and incorporated oral testimony presented on November 3<sup>rd</sup>.

### Update

The transcript of the probable cause hearings have been completed and released by the Court. Due to the multiple inquiries about this document, the State provides this release. A copy of the charging information was made available in the release of [November 4<sup>th</sup>](#).

Further inquiries about the litigation may be directed to Chief Deputy Prosecuting Attorney Andre Miksha. The State will not comment about the facts alleged.

The fact that a defendant has been charged with a crime is merely an accusation, and the defendant is presumed innocent until and unless proven guilty.

\* \* \*

STATE OF INDIANA       )  
                              ) SS:  
COUNTY OF HAMILTON    )

IN THE SUPERIOR COURT NO. 1 OF HAMILTON COUNTY

STATE OF INDIANA,	)	
	)	
Plaintiff,	)	
	)	29D01-1411-MC-9038
vs.	)	29D01-1411-MC-9039
	)	29D01-1411-MC-9040
MAXWELL HUNT WINKLER,	)	
	)	
Defendant.	)	

\* \* \* \* \*

TRANSCRIPT OF HEARING FOR ISSUANCE OF SEARCH WARRANTS

\* \* \* \* \*

BEFORE THE HONORABLE  
STEVEN R. NATION, JUDGE  
HAMILTON SUPERIOR COURT NO. 1  
ON NOVEMBER 3, 2014.

A P P E A R A N C E S

Jeffrey WehmueUer  
Hamilton County Prosecutor's Office  
One Hamilton County Square, Suite 134  
Noblesville, IN 46060

On behalf of the State

1 THE COURT: Okay, let the record show that we are here  
2 concerning an oral probable cause for the possible issuance  
3 of three search warrants in this cause. Is the State ready  
4 to proceed?

5 MR. WEHMUELLER: Yes, sir, Your Honor.

6 THE COURT: Please call your witness.

7 MR. WEHMUELLER: Your Honor, we'll be calling two  
8 witnesses to testify in support of our proposed search  
9 warrants, one is Detective Doug Baker with the Fishers  
10 Police Department, and Dan Nelson, also with the Fishers  
11 Police Department.

12 THE COURT: Please proceed.

13 MR. WEHMUELLER: Do you want to swear them in first?

14 THE COURT: Yes.

15 (WITNESSES SWORN)

16 MR. WEHMUELLER: With the Court's permission I'd like  
17 to start with Detective Baker.

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1 D O U G B A K E R,

2 After first being duly sworn to tell the truth, the whole  
3 truth, and nothing but the truth, was examined and  
4 testified as follows:

5 **DIRECT EXAMINATION**

6 **QUESTIONS BY MR. WEHMUELLER:**

7 Q Would you please state your full name for the record,  
8 spelling the last name for the benefit of the court  
9 reporter.

10 A Doug Baker, B-A-K-E-R.

11 Q And how are you employed, sir?

12 A With the Fishers Police Department.

13 Q And what do you do with the Fishers Police Department?

14 A Investigator with our criminal investigations  
15 division.

16 Q And how long have you been an investigator with  
17 Fishers Police Department?

18 A It will be four years in April.

19 Q And prior to that you were employed as a patrol  
20 officer?

21 A Patrol officer.

22 Q And how long were you employed in that capacity?

23 A Three years.

24 Q As part of your employment as a detective with the  
25 Fishers Police Department, were you called to lead up

1 an investigation involving the death of a Henry Kim,  
2 spelled K-I-M?

3 A Yes, sir.

4 Q And if you could, would you relate to the Judge the  
5 nature of how the Fishers Police Department was made  
6 aware that Mr. Kim had passed away and the  
7 circumstances under which he did pass away?

8 A Yes, sir. On November 1st, approximately 7:15 p.m. we  
9 received a call from a Trisin Ginn, G-I-N-N. He was  
10 walking his dog.

11 Q And what was unusual when he was walking his dog?

12 A He was walking his dog, he was walking south along  
13 Windermere and he heard and saw three or four, what he  
14 believed to be shots, orange flashes, towards the  
15 park, Windermere Park, which is across the retention  
16 pond.

17 Q Okay. If you could, could you X the location where  
18 Mr. Ginn on Exhibit 1 was standing according to him  
19 when he heard the sound of the shots. And after he  
20 heard the sound of the shots, what action did he take?

21 A When he heard the sound of the shots he also saw when  
22 he looked over, he saw a pair of what he thought was  
23 white shoes on the ground across the pond. And I can  
24 make that also if you'd like.

25 Q And where did he see the white shoes? If you would

1 put an S there for saw on shoes. And after he made  
2 these observations as shown in Exhibit 1, what steps  
3 did he take in reporting this or coming to the aid of  
4 anybody that he encountered?

5 A At this point he continued walking south on Windermere  
6 and turned left on the walking trail to walk into  
7 Windermere Park and continued walking until he came  
8 across our victim laying on the ground on the walking  
9 trail.

10 Q Okay. Was the victim, Mr. Kim, still alive?

11 A No, sir. He didn't know, he never got closer than  
12 five feet to the victim. He called out to the victim,  
13 tried to get his attention, yelled out and said, "Are  
14 you okay? Do you need anything?" The victim did not  
15 respond. Mr. Ginn saw lots of blood on the victim's  
16 face. He's also CPR trained for his job and did not  
17 see any chest rise.

18 Q And after he came to the conclusion that Mr. Kim had  
19 been killed, what steps did he take in terms of  
20 reporting this to the Fishers Police Department?

21 A He immediately called 911.

22 Q And did the Fishers Police Department respond to the  
23 911 call to come to the Windermere Park on Parkway  
24 Drive?

25 A Yes.

1 Q And approximately what time did they arrive?

2 A Approximately, the call was at 7:16. They would have  
3 arrived about two to three minutes later.

4 Q Okay.

5 A Approximately.

6 Q And based on the crime scene investigation did they  
7 determine what it was that caused Mr. Kim to die?

8 A Well, Mr. Kim was found with a large laceration to his  
9 throat. There was also three shell casings next to  
10 his body, .22 caliber shell casings.

11 Q And was, upon closer examination was Mr. Kim dead as  
12 Mr. Ginn had surmised?

13 A Yes. Yes, he was deceased.

14 Q During the course of the call to assist Mr. Kim, did a  
15 Mouataz, and I believe it's spelled M-O-U-A-T-A-Z,  
16 Douboni, spelled D-O-U-B-O-N-I, appear or come to the  
17 park?

18 A Yes, he did.

19 Q And what was it that brought Mr. Douboni to the park?

20 A He was at the park playing tennis with his son on the  
21 tennis courts there. Approximately ten minutes before  
22 he arrived back, he came out from the tennis courts  
23 from the parking lot. He has a white Toyota Sienna  
24 minivan, found the back driver's side tire was flat.  
25 They don't live far from the park. They walked home,



1           obtained an air compressor, drove a car back. When  
2           they came back they discovered officers were already  
3           on the scene. Officers stopped them before they got  
4           into the parking lot to identify who they were.

5   Q       Okay. And after identifying themselves to the Fishers  
6           Police Department, did they, were they allowed to go  
7           to their van?

8   A       They were not allowed to go to their van but they were  
9           allowed to identify their van was theirs.

10   Q       Okay. Could you show on Exhibit 1 with a circle  
11           approximately where the van was? And so prior to, as  
12           they were leaving after their tennis game to go get  
13           the air compressor and another vehicle, did they make  
14           any observations or hear anything of any, that was  
15           unusual while they were --

16   A       To the van, the only thing they noticed to the van was  
17           the flat tire. As they were walking back they did  
18           notice an unusual male sitting on a park bench as they  
19           were walking back to their house.

20   Q       Did they give you a description of this male, this  
21           unusual male?

22   A       He said he was sitting on the bench. He had an  
23           approximately four foot stick in his hand and he was  
24           just stabbing the ground. They couldn't get a good  
25           look at his face. He had a dark colored hoodie on and

1           there was a mountain bike leaned up against the bench  
2           where he was sitting at.

3   Q       Were they, could they get an observation of what brand  
4           of bike or anything other than --

5   A       No, they did not.

6   Q       -- that it was a mountain bike?

7   A       Just that it was a mountain bike. They could tell it  
8           was not a ten speed style, it was a mountain bike.

9   Q       And what was this white male doing?

10  A       Just with a stick, just stabbing the ground, looking  
11          down, wouldn't look up at them.

12  Q       And according to the Doubonis, was the hood up over  
13          his head or down?

14  A       Up over his head.

15  Q       Okay, thank you. And this was as they were leaving  
16          the park?

17  A       Yes, as they were leaving after they found the flat  
18          tire.

19  Q       Approximately ten minutes before the shooting  
20          occurred?

21  A       Approximately, yes.

22  Q       As reported by Mr. Ginn? Okay. And when they were  
23          allowed to identify their van, was it in the same  
24          condition as when they left the van?

25  A       No, it was not. It had changed.

1 Q How did it change according to Mr. Douboni?

2 A There was windows smashed on both sides of the van.

3 Q When you say smashed --

4 A They were shattered.

5 Q Okay. From the inside or from the outside?

6 A What appeared to be from the outside.

7 Q Okay. So there was glass inside?

8 A Yes, there was glass inside.

9 Q Were there any indications of what caused the

10 smashing?

11 A At that point, no.

12 Q Later on --

13 A Yes, later on there was.

14 Q How was it determined?

15 A Mr. Douboni gave permission for his vehicle to be

16 searched. The vehicle was brought back to the police

17 department where a search was conducted and there was

18 a bullet found inside the van up by the sun visor.

19 And there was also shell casings found on each side of

20 the van outside, the same .22 caliber that was found

21 next to the body.

22 Q And you say it was the same caliber?

23 A The same.

24 Q Was it the same manufacturer?

25 A Same manufacturer.

1 Q And what was it about the casings that were found  
2 around Mr. Kim that were similar to the casings at Mr.  
3 Douboni's van?

4 A They're both, they're all .22 caliber and they all  
5 have the letter C stamped on the head.

6 Q Does that indicate a manufacturer or --

7 A I don't know for sure, yes, but from what I  
8 understand, yes.

9 Q Well, thank you. And after making these observations  
10 was there any apparent suspects at that particular  
11 point?

12 A No, sir.

13 Q And this was on November 1st?

14 A November 1st.

15 Q Now, in the absence of any hard information as to who  
16 might have done this, was a press release issued  
17 concerning this?

18 A Yes, there was.

19 Q And did you receive any responses from that press  
20 release for a request for information as to what, any  
21 possible suspects or any information that might help  
22 you lead or might lead you to a suspect?

23 A Yes, we did.

24 Q And did you receive -- what responses did you receive?

25 A The first ones would be A'Hearns, if you want to go

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onto them.

MR. WEHMUELLER: At this point I would call  
Detective Dan Nelson.

1     **D A N I E L   N E L S O N ,**

2     After first being duly sworn to tell the truth, the whole  
3     truth, and nothing but the truth, was examined and  
4     testified as follows:

5     **DIRECT EXAMINATION**

6             **QUESTIONS BY MR. WEHMUELLER:**

7     Q     Detective Nelson?

8     A     Yes, sir.

9     Q     No doubt --

10    A     Do you need my history?

11    Q     Actually, I would. Thank you. Would you please state  
12             your full name for the record?

13    A     Daniel, common, Carl Nelson, N-E-L-S-O-N.

14    Q     And how are you employed, sir?

15    A     I'm currently employed by the Fishers Police  
16             Department.

17    Q     And how are you employed by the Fishers Police  
18             Department?

19    A     I'm currently assigned to the FBI Safe Streets and  
20             Violent Crimes Task Force in Indianapolis.

21    Q     Okay. And prior to being assigned to that task force,  
22             were you a detective with the Fishers Police  
23             Department?

24    A     Yes, I was a detective assigned with the criminal  
25             investigations division for approximately three years.

1 Q And prior to that were you a patrol officer like  
2 Detective Baker?

3 A That is correct.

4 Q And did you have any prior law enforcement experience  
5 prior to coming to the Fishers Police Department?

6 A From 2001 to 2007 I was employed as a deputy sheriff  
7 coroner at Douglas County Sheriff's Office in Douglas  
8 County, Nevada. From 1999 roughly to 2001, I was  
9 employed as a correctional officer at Sonoma County  
10 Sheriff's Office in Sonoma, California.

11 Q And were you called in to assist in the investigation  
12 of the death of Henry Kim?

13 A Yes. On November 2, 2014 I was contacted by Detective  
14 Doug Baker to assist in this investigation.

15 Q And as part of the investigation a press release was  
16 issued asking for information that would lead to the  
17 resolution of who might have killed Henry Kim. And  
18 did you receive information concerning any suspicious  
19 activity either the day of or the day before Mr. Kim  
20 being murdered?

21 A Yes, I received a call from Detective Doug Baker  
22 requesting me to make contact with a Jayne A'Hearn.  
23 Her name is spelled J-A-Y-N-E. Last name is A'Hearn,  
24 and it's A, apostrophe, H-E-A-R-N. She resides, if  
25 you need the residence address?

1 Q Yes, if we could, please.

2 A Stand by. It is (REDACTED), which is spelled  
3 (REDACTED), which is located in Hamilton County.

4 Q Okay. And approximately what did the A'Hearns have to  
5 say concerning any suspicious activity that they found  
6 unusual or prompted them to report to the Fishers  
7 Police Department after Mr. Kim's death?

8 A I made contact with them on November 2, 2014 at about  
9 5:30 p.m. Jayne A'Hearn explained to me that on  
10 10/31/2014, so Halloween night, her and her son,  
11 (REDACTED) A'Hearn, had witnessed a suspicious person  
12 south of their residence near the area of Talon Trace  
13 and Hawthorn Ridge.

14 Q Okay. And approximately how close is that, as close  
15 as you can best guesstimate is that to the Windermere  
16 Park where Mr. Kim was killed?

17 A I would say approximately two to three miles as the  
18 crow would fly.

19 Q Okay. And what was it that they saw that made them  
20 concerned that this suspect may have something to do  
21 with the death of Mr. Kim?

22 A Jayne A'Hearn explained to me that her, her sisters,  
23 two sisters and five children were out on the evening  
24 of Halloween at approximately 7 p.m., and while out  
25 walking a nature, or a maintenance trail, excuse me, a



1 maintenance trail that goes from roughly Hawthorn  
2 Ridge and Talon Trace, winds roughly north by  
3 northwest, goes up towards Talon Trace where they  
4 reside. They observed a white male and a bicycle on  
5 the trail.

6 Q What was so unusual about having a white male on a  
7 bicycle at 7:00 on Halloween night?

8 A What made them concerned was the fact that the male  
9 had no children with him. He was by himself. His  
10 bike was parked on the trail away from the roadway in  
11 a wooded area, so it was a secluded area in which,  
12 though people would have and do use for common travel,  
13 he had parked his bike away from the road and was  
14 walking separate from it. So this behavior was not  
15 normal to them and they became alert to that and aware  
16 of that.

17 Q Did they give a description of this particular male?

18 A Yes, they described him as a white male with brown or  
19 darker brown hair, similar in length to mine on the  
20 sides, maybe an inch and a half, two inches long, and  
21 then a little bit longer up top. Described him as  
22 having plain facial features with maybe a little bit  
23 of facial stubble, like a little bit of growth but not  
24 a full beard. Described him as having a blue, whether  
25 it was a windbreaker or a sweatshirt, both parties had

1 different opinions on whether it was a sweatshirt  
2 style or a jacket, and believed he had either dark  
3 jeans or dark pants on.

4 Q Could they tell if it was a hoodie or not?

5 A They weren't clear.

6 Q Okay. And so besides having this individual sort of  
7 off the trail, was there any behavior that caused them  
8 to be even more alert than what you described?

9 A When -- we need to break that into two pieces because  
10 it's two separate instances when he was observed.  
11 With Jayne her concern was the fact that she had her  
12 two sisters and a group of children ahead of her on  
13 this maintenance path walking north-northwest towards  
14 their residence from Hawthorn Ridge. This male had  
15 come up off the sidewalk and had fallen in behind  
16 them. She was walking behind this unknown male so his  
17 behavior was kind of odd that he had no children with  
18 him and he was kind of just trailing them.

19 Q Trailing the children?

20 A Right. And the adults. They also were surprised  
21 because of the fact that he had left his bike off the  
22 trail and next to the bike which was leaning against a  
23 tree, to the right of the tree was also a large bag  
24 that the subject then also retrieved. So just his  
25 behavior of not having a costume on or children with

1 him and then the positioning of his bike and then  
2 following them alerted to kind of a strange behavior.  
3 No words were said between them.

4 Q And that, but that wasn't the only contact or --

5 A No.

6 Q -- information you received on Halloween night  
7 concerning a white male also.

8 A I've got additional. But going back to (REDACTED)  
9 A'Hearn who's a juvenile male and is the son of Jayne,  
10 approximately ten minutes prior him and approximately  
11 I believe four friends were walking on the same trail  
12 walking northbound from Hawthorn Ridge towards his  
13 residence on Townsend and on that maintenance trail  
14 they observed a mountain bike, dark colored, sitting  
15 against a tree and also a blue large like duffel bag  
16 standing by itself. The kids observed it, didn't  
17 think much of it, and continued walking. (REDACTED)  
18 just felt the presence like something was behind him,  
19 turned and looked and saw a white male come up and get  
20 the bike and pick up the bag. (REDACTED), becoming  
21 concerned with his friends, they began to run because  
22 they were just kind of startled by this sudden  
23 appearance of a man behind them.

24 Q And then what happened?

25 A They continued walking, they slowed down, started

1 going up -- do we have a map?

2 Q Yes, would it help you to show on State's Exhibit 2  
3 the trail?

4 A Yes, it would. Let me just get acclimated to the map  
5 so I can kind of show. And this map is a much smaller  
6 representation than we have. If we look here, here's  
7 Talon Trace, here's Hawthorn Ridge. You can see this  
8 faint line. This is a trail that comes up and then  
9 wraps up into, and this is Townsend. All the  
10 sightings initially where the bike were were down in  
11 the southern portion of this, this is a maintenance  
12 trail that's used by the golf course for maintaining  
13 the golf course that surrounds this neighborhood. The  
14 children, as they started running, where this clearing  
15 is, and this is kind of a retention pond, as they  
16 started coming and rounding north there's a bridge  
17 right here. The subject, a white male, same  
18 description, five-six, five-eight, thin build, riding  
19 this dark-colored mountain bike, passed the children  
20 on their right. He comes up around the edge, and the  
21 trail will actually fork. If you look at the trail it  
22 forks to the direct west or it continues north and  
23 comes out to this clearing onto Townsend Trace.  
24 There's a bridge in between. So the children hadn't,  
25 were south of the bridge. They watched the male, or

1 had the male pass them on the bike. He went up to,  
2 across the bridge, U-turned, and then came back down  
3 and -- let me find the direct quote -- he challenged  
4 the children.

5 Q And did they tell you what the challenge entailed,  
6 what the language was?

7 A Yes, let me review my notes. Specifically, "What are  
8 you guys doing?" is what the unknown white male said  
9 to the juvenile males.

10 Q And when you say they're juvenile males, approximately  
11 what ages?

12 A Roughly between 11 and 13.

13 Q Okay, thank you. And what was their reaction or what  
14 did they do in response to the question "What are you  
15 doing?"

16 A One subject, a juvenile male that was with this group,  
17 his name is (REDACTED), spelling of his first name is  
18 (REDACTED), last name spelling is (REDACTED), just  
19 said "Hey" in response back to him. The male never  
20 stopped riding his bike southbound now past them, and  
21 continued then after going -- so basically the male  
22 does a U-turn, challenges the children with, "Hey,  
23 what are you doing?" (REDACTED) says, "Hey." The  
24 male slows down as he is passing but then continues  
25 right bound. There's no other words said. He

1 continues and they lose sight of him going down the  
2 maintenance trail back towards Hawthorn Ridge.

3 Q Now, you mentioned that you received other  
4 information. Did you receive information from a  
5 (REDACTED)?

6 DETECTIVE BAKER: Yes, that was me using the  
7 information that Nelson has got from (REDACTED) A'Hearn.

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1 **DIRECT EXAMINATION CONTINUES OF DOUG BAKER**

2 **QUESTIONS BY MR. WEHMUELLER:**

3 Q Okay. And so you spoke with (REDACTED) or --

4 A What happened was, using that information we went back  
5 to a report that was filed Halloween night that  
6 (REDACTED) filed. He was a juvenile.

7 Q And for the record this is Doug Baker again  
8 testifying. And what did Mr. (REDACTED) have to say  
9 concerning his encounter?

10 A He was walking eastbound along Hawthorn Ridge  
11 approaching Talon Trace. This was Halloween night,  
12 the same area that the A'Hearns saw him. He was  
13 walking with him and two female juveniles, they're all  
14 11 and 13 years old. He was approached from back and  
15 shoved by a person from the back. When Mr. (REDACTED)  
16 turned around to see who it was, he saw a white male  
17 turn away from him and start walking away. The white  
18 male was, looked like he had a hood on on the back of  
19 his sweatshirt, looked like he had something heavy in  
20 the hood of the sweatshirt. Mr. (REDACTED) saw the  
21 guy reach back into his hood, pull out what he thought  
22 was a knife, and then it dropped. And then the white  
23 male continued walking.

24 Q And after this report was the knife recovered or  
25 reported in some other fashion?

1 A Yes, the kids called 911. Officers arrived and found  
2 the knife lying on the ground still.

3 Q And were these representatives of the Fishers Police  
4 Department?

5 A Yes, sir.

6 Q And that knife was retrieved and --

7 A Yes, it's secured in our property room and it's a  
8 small kitchen, what appears to be a kitchen knife.

9 Q And approximately how long if you recall?

10 A I've got a -- approximately six, seven inches.

11 Q And did this white male with the hoodie riding the  
12 bike say anything or --

13 A He did not say anything. He was not riding a bike  
14 here, he was just walking away. They did not see a  
15 bike at this incident. But he was wearing a hood and  
16 described him as a 35 year old white male, five foot  
17 eight with wire framed glasses, dark scruffy beard  
18 wearing a dark blue zip-up jacket and dark pants.

19 Q And a hoodie?

20 A And a hoodie, that he had the hood on when they saw  
21 the knife pulled out.

22 Q And after retrieving this information did Officer, did  
23 you continue to receive information concerning --

24 A I kept receiving tips.

25 Q Okay. And was one of those tips from a Kathy



1 [REDACTED], and if so, I would recall Detective Dan  
2 Nelson.  
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1     **DIRECT EXAMINATION CONTINUES OF DAN NELSON**

2             **QUESTIONS BY MR. WEHMUELLER:**

3                     DETECTIVE NELSON:   Which one was Kathy?

4     Q     Heard shots fired at approximately 4:54 p.m.

5     A     Yes.   I received an e-mail from a Kathy [REDACTED].

6             Her spelling on her name is, first name is Kathy, K-A-

7             T-H-Y.   Last name spelling is [REDACTED].

8             The e-mail was sent to me on November 2, 2014 at

9             approximately 10:09 hours.   In the e-mail she

10            indicated that on November 1st at approximately 4:54

11            in the afternoon --

12    Q     So this was about two, three hours before the demise  
13            of Mr. Kim?

14    A     That is correct.   She had heard what sounded like  
15            three shots.   She described the three shots being  
16            separated between three and four minutes.

17    Q     So kind of slow shots?

18    A     Slow fired, yes, sir.   She indicated that this, these  
19            sounds originated from the area of a woodland area  
20            that is located near the northeast corner of 106th  
21            Street and Hawthorn Ridge in Fishers, Indiana.

22    Q     Okay.   And did you also receive information from a  
23            Dave or Julie Cheslyn?

24    A     Yes.

25    Q     The last name spelled C-H-E-S-L-E, or L-Y-N?

1 A Yes. On November 2nd at approximately 7:50 p.m.  
2 Fishers Police Department was dispatched to the  
3 Cheslyn residence which is (REDACTED) which is in the  
4 Hawthorn Hamilton Proper neighborhood, so this  
5 community, and they wanted to explain to law  
6 enforcement based off of the media press releases that  
7 they had observed some strange behavior in the area in  
8 which I had earlier described at 106th and Hawthorn  
9 Ridge of a suspicious male in the woods.

10 Q Okay. And was that at or near the location where Ms.  
11 Kleinrichert had described the shots having been  
12 fired?

13 A Yes, it is directly east of the location in which she  
14 had heard the sound, not more than maybe a quarter  
15 mile by the way a bird would fly.

16 Q And what was the information the Cheslyns had to  
17 report?

18 A On November 1, 2014 at approximately 4:10 in the  
19 afternoon the Cheslyns were both walking together  
20 along a nature trail. If we can --

21 Q If you could circle on State's Exhibit No. 2  
22 approximately where that --

23 A Is this the best one we have of the nature preserve?  
24 Just so that I'm clear before I get too far ahead of  
25 myself. Where's 106th? So here's 106th, here's

1 Hawthorn Ridge. If we're looking at it, Your Honor,  
2 this is 106th Street and this is Hawthorn Ridge. And  
3 this square area here is a nature preserve. This area  
4 has got a trail which is this light colored line  
5 heading north and then travels directly east along  
6 this, you can see this discoloration. This is  
7 actually a trail. It then wanders along a, kind of a  
8 reservoir, kind of a retention pond, it's kind of an  
9 odd shape. There's also a bridge right here. The  
10 Cheslyns were walking along this trail, which is  
11 marked by like an odd colored stone, it's designed so  
12 that you stay on the trail because it's a nature  
13 preserve so they try to keep you on the trail. They  
14 observed as they were walking north along the trail,  
15 they observed or were startled by movement inside the  
16 woodland preserve. Inside the woodland preserve  
17 roughly, they said between 20 and 30 yards, so you  
18 have the trail they're on, directly to their west they  
19 see a white male and they also, Dave observed the  
20 white male alone. Julia also observed the same white  
21 male by himself but also observed a dark colored, what  
22 she believed to be a mountain bike judging by the  
23 larger tires.

24 Q Okay. Did they observe a bag similar to what the  
25 children had seen on Halloween night?

1 A No, they described it as being a backpack.

2 Q Okay.

3 A But they did observe a backpack on the subject. But

4 they described him as a white male, slender, between,

5 under six foot is what their description were, wearing

6 a dark colored jacket and both of them believe that he

7 was wearing glasses of some sort.

8 Q And after they reported this, what actions did you or

9 other members of the Fishers Police Department take

10 based on this information?

11 A On today's date, November 3, 2014, myself and other

12 detectives with the Fishers Police Department at

13 approximately 1 in the afternoon conducted an area

14 search of that woodland area that was observed by the

15 Cheslyns and while locating, and was located spent .22

16 caliber bullet shells and one unspent round, so a

17 round that had not been fired. The rounds --

18 Q Was there anything particular about these rounds that

19 led you to conclude that they may have some connection

20 with the death of Henry Kim?

21 A The .22 caliber rounds contained a unique head stamp

22 on the rear or the back of the round with the letter

23 C, which based off of the information I had received

24 from Detective Baker led me to believe that those

25 rounds were similar to the ones that were found at the

1 scene of Mr. Kim's death.

2 Q Were there other indications of, for want of a better  
3 word, occupancy or camping that might have been at  
4 that location?

5 A This is an area that is, you know, you're not supposed  
6 to be on but there was obvious signs of like water  
7 bottle on the ground.

8 Q Any particular brand of --

9 A It was a Nestle water bottle, I believe Nestle --

10 Q Nestle bottled water?

11 A Yes. And was not unique but the bottle, the wrapper  
12 was still intact. It didn't appear that it was  
13 weathered like it had been laying there for any  
14 extended length of time. Also with the brass, being a  
15 firearms trainer, I observed that all the brass lacked  
16 discoloration from being outside in weather for any  
17 length of period of time, all the brass appeared  
18 bright and shiny.

19 Q Were there other indications that somebody might have  
20 tried to construct a shelter of some sort at that  
21 location?

22 A There were sticks that appeared, and it was no longer  
23 formed as an A frame, but it appeared that the way  
24 the, there were sticks that were formed as sort of  
25 like crossed and there was a very thin, maybe a

1 quarter to half inch nylon rope that was holding  
2 sticks together. There was also other sticks that  
3 were bound together using what appeared to be duct,  
4 excuse me, sir, duct tape.

5 Q And as you were making these observations, did, were  
6 you approached by any people using the nature trail at  
7 that particular time?

8 A There were numerous residents of the community that  
9 were using the actual nature trail walking. Later in  
10 the afternoon, I don't have the time --

11 Q Do you have an approximate time? And if you don't,  
12 that's fine. Just while you were there at the scene.

13 A It was probably 3 to 4:00 in the afternoon. I don't  
14 have the specific time right now.

15 Q That's okay.

16 A A white male riding a mountain bike was making his way  
17 up the trail. At this point I was actually  
18 immediately west of this location and observed the  
19 subject traveling on the nature trail. If you look at  
20 the nature trail and you look at Hawthorn Ridge and  
21 106th, I was directly west of where all these spent  
22 .22 caliber casings were found, I was directly west of  
23 it. I observed a white male wearing what appeared at  
24 the time dark clothing, riding a dark colored mountain  
25 bike traveling eastbound on the nature trail. I was

1 later told by Detective Finn and Detective Rodriguez  
2 who were still assisting and processing the original  
3 scene that the subject came off the trail as he was  
4 going north, turned westbound onto this preserve area  
5 where they were still collecting these items.

6 Q So this individual was heading towards the location of  
7 those spent casings and live round?

8 A That is correct.

9 Q And they alerted you?

10 A They alerted me and requested immediate assistance.  
11 What had happened, and as I started running, is the  
12 subject started going up, observed the officers which  
13 were wearing plain clothes, immediately did a 180  
14 degree turn on his bike and then began going  
15 eastbound.

16 Q Did he make it back to the trail?

17 A He made it to the trail and then partially across a  
18 bridge that spans this reservoir directly here.

19 Q So how far off the nature trail did he get before he  
20 saw the officers in their plain clothes in making the  
21 turnaround?

22 A I don't have an exact distance. Not far.

23 Q And given the description of this individual who was  
24 heading towards the spent casings and live round and  
25 the Nestle bottle, did you believe that this might be



1           consistent with all the other information that you  
2           received from other tips and from the information from  
3           the Doubonis?

4   A       That would be correct.

5   Q       So what did you do at that point?

6   A       Detective Finn and Detective Rodriguez detained the  
7           subject on the bridge.

8   Q       And who was -- what was the name of that subject?

9   A       Maxwell Winkler. I will spell it. His first name is  
10          Maxwell. It's M-A-X-W-E-L-L.

11   Q       Does he have a middle name?

12   A       Hunt, H-U-N-T.

13   Q       And last name?

14   A       Is Winkler, W-I-N-K-L-E-R.

15   Q       And would he also, based on further investigation, say  
16           through BMV check or other information, have a date of  
17           birth of March 3, 1997, being approximately 5 foot 7  
18           in height, weighing approximately 150 pounds, with  
19           brown hair and brown eyes?

20   A       The document I'm looking at is his student form. It  
21           lists a date of birth of March 13th, 1-3, 1997. And  
22           also provides an address if you need it.

23   Q       No.

24   A       Do we want to --

25   Q       No. And --

1                   MR. WEHMUELLER: And we'd like to have that  
2                   marked as --

3   Q           And based on, if you'll notice the picture in the  
4                   photograph of his school records, he is wearing  
5                   glasses; is that correct?

6   A           He's wearing glasses and has brown hair.

7   Q           Again, consistent with the description you've  
8                   received?

9   A           Specifically from Ms. A'Hearn the wavy top of his  
10                  hair, his style of hair is similar in description as  
11                  what I was provided by Ms. A'Hearn.

12   Q           And what school is he a student at?

13   A           Hamilton Southeastern.

14   Q           Okay. And after you apprehended Mr. Winkler, what  
15                  transpired next at that point?

16   A           On his person, and Detective Finn and Rodriguez were  
17                  the ones that conducted a search of his person for  
18                  safety concerns based off of the nature of the crime  
19                  and his proximity in returning towards the crime, they  
20                  did a Terry search of him and located two folding  
21                  knives.

22   Q           Again, this is consistent with the information you  
23                  received from the children who were trick-or-treating?

24   A           The found knife that one of the children had located.

25   Q           Pointed?

1 A Yes. Plus the nature of the injury to the decedent.

2 Q The cut?

3 A Which may have been caused -- the laceration, may have  
4 been caused by a sharp edged weapon.

5 Q Okay, thank you. And after you retrieved the two  
6 knives, I'm sure you had a few questions to inquire of  
7 him at that point?

8 A At that time because the subject was a juvenile, no  
9 questions were asked.

10 Q Giving him an opportunity to consult with his parents  
11 or have meaningful consultation with his parents?

12 A That is correct.

13 Q And while you were making arrangements for that, did  
14 you continue in other independent directions in terms  
15 of trying to either confirm your suspicions or  
16 dissuade your suspicions?

17 A I don't remember which knife I looked at, there was  
18 two knives. One of the knives I do recall. We did  
19 open up the blade and I did notice some discoloration  
20 on the edge, the sharpened edge of the weapon.

21 Q Can you describe that discoloration and why did that  
22 draw your attention to it?

23 A Based off of my previous experiences, the color looked  
24 similar to what would be blood, dried blood on the  
25 edge of the weapon.

1 Q And did that again make you or lead you to believe  
2 that somehow this individual was associated with the  
3 death of Mr. Kim, based on the injuries he suffered?

4 A Yes, sir.

5 Q And after making these observations did you take  
6 further steps while waiting to round up Mr. Winkler's  
7 parents so that they could have that meaningful  
8 consultation, did you take other steps in  
9 investigating to, again, either confirm or dispel any  
10 suspicions you may have that Mr. Winkler committed  
11 this offense?

12 A Are we speaking of his utterance that he did to  
13 Officer Rodriguez?

14 Q Yes.

15 A While walking Mr. Winkler back to his vehicle to be  
16 transported to the Fishers Police Department no  
17 questions or direct conversation was being made by law  
18 enforcement due to the fact the subject was a juvenile  
19 not in the presence of his parents. However, Mr.  
20 Winkler made a spontaneous utterance of "I didn't kill  
21 anyone." And no follow-up question was asked by law  
22 enforcement based off of that statement.

23 Q And kudos to you for following that law and respecting  
24 that. Did you, since you couldn't ask him any  
25 questions without the parents being around, did you

1 take other steps in terms of following up on that  
2 investigation that this individual, Mr. Winkler, is  
3 associated with the death of Mr. Kim?

4 A Well, one is in the containing of obviously the items  
5 in his possession. He had the two knives. He also  
6 had a small fanny pack and his mountain bike which was  
7 also dark in color. Those items were placed into  
8 custody of Fishers Police Department. However, I had  
9 also gone to his residence earlier in the day.

10 Q Okay, approximately what time was that?

11 A Approximately 11:40 in the morning of November 2nd.

12 Q Okay. And what was, did he, his residence is listed  
13 in his high school records. Is that at 10109  
14 Cheswick, spelled C-H-E-S-W-I-C-K, Lane in Fishers?

15 A That is correct.

16 Q Okay. And what prompted you to go to that residence?

17 A Lieutenant Todd Crowder who is a criminal  
18 investigations division supervisor for Fishers Police  
19 Department had received information from Hamilton  
20 Southeastern school students that Mr. Winkler fits  
21 some of the similar profiles and changes of behavior  
22 recently. And that prompted Lieutenant Crowder to  
23 request us to do a, to check his residence and attempt  
24 contact with him.

25 Q Okay. And being a good follower of instructions, you

1 obeyed that order?

2 A Yes, at approximately 11:40 in the morning of November  
3 2nd Detective Sergeant David Flynn with the Fishers  
4 Police Department and myself arrived at 10109  
5 Cheswick, C-H-E-S-W-I-C-K, Lane in Fishers, Indiana,  
6 which is located in Hamilton County.

7 Q And, again, you were going to make contact with the  
8 occupants of that residence?

9 A That is correct. However, prior to making entry onto  
10 the property or walking onto the property I observed  
11 that it was trash day. I know there was trash being  
12 picked up in the neighborhood. Therefore, I conducted  
13 a search of the trash. There was a blue Republic  
14 trash receptacle that was placed in front of the  
15 driveway on Cheswick Lane, so it was off the sidewalk,  
16 it was actually physically in the street.

17 Q Okay. And when you checked that, what did you observe  
18 or what did you find that either confirmed or  
19 dispelled any suspicions you may have Mr. Winkler was  
20 associated with this crime?

21 A Detective Flynn and myself began removing the items  
22 from the trash starting from obviously the top of the  
23 trash. The first thing we came upon was a sealed  
24 white plastic trash bag. Inside that trash bag had  
25 mail that had the name of Anne Johnson, who is also

1 known to be the mother of Maxwell Winkler.

2 Q And you based that on the school records that you've  
3 observed?

4 A That is correct. Also within that trash was mail that  
5 also listed their physical address that was contained  
6 in the trash. Therefore, I concluded that the trash  
7 that I was removing from there was from that  
8 residence.

9 Q And after confirming that this was in fact the  
10 receptacle for the residence, did you find anything in  
11 there once you had established the connection between  
12 the residence and this receptacle that led you to  
13 believe that Mr. Winkler or another member of that  
14 household was associated with the crime of killing Mr.  
15 Kim?

16 A I located inside the top trash bag, so again this is  
17 the first trash bag that was on top, a tan, like a --  
18 not a large towel but kind of a smaller, like hand  
19 towel, and it had a red stain on the towel.

20 Q Okay. And when you say a red stain, did it appear to  
21 be at least in your experience and training appear to  
22 be blood?

23 A It appeared to be dried blood residue.

24 Q And did you find any other information that associated  
25 specifically Mr. Winkler, Maxwell Winkler, with that

1 residence?

2 A Not specifically to him, only his mother. Oh, no, I  
3 take that back. I stand corrected. There was also a  
4 Hamilton County incorrigible juvenile packet. This is  
5 a document that's utilized for documenting juveniles  
6 who have failed to follow Mom and Dad's rules. That  
7 document had Maxwell Winkler's name on it. It was in  
8 the same trash bag as that.

9 Q And did you find any other items of clothing that  
10 might be connected with either some of these  
11 mysterious white male observations Halloween night or  
12 the night after with Mr. Winkler?

13 A I'm not aware. Detective Baker will have to advise  
14 whether or not. But in the same trash bag as I found  
15 the hand towel with the described red stain, I also  
16 located two dark colored gloves. They were kind of a  
17 cotton type or like a, you know, like a winter glove  
18 but really that would fit your hand closely.

19 Q Did they have any stains on them or anything?

20 A I have not submitted them to forensics. I did not  
21 observe anything and since it was a dark color I  
22 couldn't --

23 Q Couldn't really tell?

24 A Couldn't really tell.

25 Q Once you saw that towel and, again, with those blood



1 stains or what appeared to be blood stains, it seems  
2 like your confidence is growing that perhaps maybe Mr.  
3 Winkler is the one that's committed this offense?

4 A That is correct and that was prior to making contact  
5 with him near the nature preserve.

6 Q And having him show up at the nature preserve just  
7 cemented your suspicions at that point?

8 A It gave me a little bit more belief that he may have  
9 some possible involvement in this case.

10 Q Now, since that time you had Mr. Winkler in custody  
11 and were making attempts to reach out to his parents.  
12 Did you continue follow-up pending the arrival of his  
13 parents so that you could have this meaningful  
14 consultation?

15 A Yes. Detective Sergeant David Flynn went to the 1019  
16 (sic) Cheswick Lane in order to make contact with Anne  
17 Johnson who is the legal guardian of Maxwell Winkler,  
18 and I believe is his mother.

19 Q And did Detective Flynn who is also with the Fishers  
20 Police Department advise you of the conversation that  
21 he had with Mrs. Johnson?

22 A While in his presence in front of the, at the  
23 residence in the front yard Anne Johnson explained  
24 that there are firearms inside their residence to  
25 include a .22 caliber weapon.

1 Q And --

2 A Additionally, Detective Flynn was asked by the mother,  
3 Anne Johnson, to go inside the residence in order to  
4 obtain medications for her other juvenile son, and he  
5 observed weapons in plain view.

6 Q And did he describe what those weapons were or didn't  
7 have much of a chance to observe?

8 A I don't think he, he wasn't, I mean obviously his  
9 intent was merely to get the medications.

10 Q Get the medications, okay. And so Maxwell has  
11 another, or has a brother?

12 A That is correct. A (REDACTED), spelling on the first  
13 name is (REDACTED), last name Winkler, same spelling  
14 as the subject involved.

15 Q Okay. And when Mrs. Johnson -- okay, when Mrs.  
16 Johnson provided you with that information did other  
17 detectives continue to follow up and corroborate your  
18 suspicions or the suspicions of the Fishers Police  
19 Department of Maxwell?

20 A That is correct.

21 Q Would that include Detective Baker again?

22 A Detective Baker continued the investigation.

23 MR. WEHMUELLER: Thank you. With the Court's  
24 permission I'd like to recall Detective Baker.  
25

1 **DIRECT EXAMINATION CONTINUES OF DOUG BAKER**

2 **QUESTIONS BY MR. WEHMUELLER:**

3 Q Detective, you're still under oath. While all this  
4 was going on, while Detective Nelson was following up  
5 his leads, did you receive other information from  
6 either school members or other, from other sources  
7 concerning observations of Mr. Winkler's behavior  
8 while on either the 2nd or the 1st of November that  
9 led them to believe that he might be connected with  
10 this heinous crime?

11 A Yes, I received a tip to give a call to a Dorothy  
12 Beegle. Last name spelled B-E-E-G-L-E.

13 Q And who is Ms. Beegle?

14 A She's a teacher at Hamilton Southeastern schools.  
15 She's a fifth period teacher for Maxwell Winkler.

16 Q Okay. And did she make any observations in any  
17 changes in appearance of Maxwell Winkler from Friday  
18 night to today, being November 3, 2014?

19 A Yes, on Friday night, October 31st, or Friday during  
20 the day, October 31st, during her period she noticed  
21 Mr. Winkler had a beard going from sideburn to  
22 sideburn. Not a big scruffy beard, but just a growth  
23 of at least a week old when he was at school on  
24 Friday.

25 Q And that would be consistent with the observations

1           made by other people of this unknown white male on a  
2           mountain bike?

3   A     Yes.

4   Q     And what was his appearance this morning or today?

5   A     Today on November 3rd during fifth period class Ms.  
6           Beegle noticed that Maxwell Winkler was clean shaven  
7           and appeared to have a haircut.

8   Q     And did Ms. Beegle provide you with any insight as to  
9           why the sudden change in his appearance?

10  A     She was, she didn't have any observations, you don't  
11          know why, at the time after she started hearing about  
12          the possible homicide then she started wondering since  
13          he changes from beard to being shaved, that's when she  
14          decided to call.

15  Q     Okay. And so she was, suspected that he might be  
16          involved. Did she make any inquiry or receive  
17          information, either directly or indirectly, as to why  
18          he may have or how it is his appearance changed so  
19          radically?

20  A     Indirectly through her daughter who goes to the  
21          school, received information secondhand through  
22          Maxwell Winkler's brother, (REDACTED) Winkler.  
23          (REDACTED) Winkler had told another friend that  
24          Maxwell Winkler came home on the night of November  
25          1st, Saturday, November 1st, shaved his beard and

1           washed his clothes and (REDACTED) was afraid that  
2           Maxwell had something to do with Mr. Kim's demise.

3   Q       So by that time word had gotten out of the murder here  
4           in Fishers?

5   A       Yes.

6   Q       And, Detective Baker, are you asking permission of  
7           this Court to enter into the residence of 10109  
8           Cheswick Lane, more specifically described as a two-  
9           story, single family dwelling with wood-like, gray  
10          wood-like siding, grayish asphalt shingled roof,  
11          dormers on the second floor, and attached garage with  
12          a white wood-like panel overhead door and is commonly  
13          known as 10109 Cheswick Lane, and I'm going to hand  
14          you what is described as Exhibit No. 3 and ask you if  
15          that is the appearance of the residence you wish to  
16          search?

17   A       Yes, it is.

18   Q       And this is the residence of Mr. Maxwell Winkler?

19   A       Yes, it is. That's one of two residences.

20   Q       And you say one of two residences.

21   A       Yes.

22   Q       Does he spend time at his father's residence?

23   A       Yes, sir.

24   Q       Would that be at 12478 Hawks Landing Drive in Fishers?

25   A       Yes, it is.

1 Q And I'm going to hand you what has been marked as  
2 State's Exhibit No. 4 in two parts and ask you if that  
3 is a fair and accurate representation of the two-story  
4 single family dwelling on Hawks Landing with brownish  
5 brick siding, brownish asphalt shingled roof, one  
6 large dormer on the second floor, and attached garage  
7 with a wood-like, a white wood-like paneled overhead  
8 door and the numbers 12478 are affixed in a brick next  
9 to the garage door and it's commonly known as 12478  
10 Hawks Landing Drive, Fishers, Indiana.

11 A Yes, it is.

12 Q And are you asking permission of this Court to enter  
13 both of those residences for the purposes of searching  
14 for and seizing, if found, any .22 caliber firearms,  
15 any .22 caliber firearm ammunition, all knives,  
16 sunglasses, eyeglasses, dark gloves, dark colored  
17 hoodie sweatshirts, cable ties, duct tape, Nestle  
18 brand bottled water, mountain bikes, bike helmets,  
19 documents referring to killing or injuring people,  
20 backpacks, duffel bags, or any items of clothing with  
21 or appearing to have blood stains upon them, computers  
22 or mobile devices that contain documents referring to  
23 killing or injuring people, as well as any spent shell  
24 casings?

25 A Yes.

1 Q Now, you mentioned during your testimony that you  
2 wanted to search for documents referring to killing or  
3 injuring people as well as any mobile devices that  
4 might contain documents referring to killing or  
5 injuring people. Have you received information that  
6 Maxwell Winkler tends to be something of a planner?

7 A Yes, sir.

8 Q And tends to write things down?

9 A Yes.

10 Q What is the source of that information?

11 A I received information from one of our school resource  
12 officers that about approximately two years ago  
13 Maxwell Winkler wrote a letter called My Bucket List  
14 and he likes to plan and talk about killing and mass  
15 destruction and weapons of mass destruction.

16 Q And this was two years ago. Who was the resource  
17 officer?

18 A I don't know. I'm sorry, I cannot tell you.

19 Q Okay. But that is -- when you say a school resource  
20 officer --

21 A It was an employee with the Fishers Police Department.

22 Q Thank you. And they generally keep records of reports  
23 of this sort of nature?

24 A Yes, sir.

25 Q And because of the information and testimony, do you

1 believe that he continued in that habit of writing  
2 down and planning out his activities?

3 A Yes, sir.

4 Q And that is the reason you're asking for permission to  
5 search for documents as well as search computers and  
6 mobile devices for those sort of documents or plans?

7 A Yes, sir.

8 Q And are you also seeking permission of this Court to  
9 seize the body of Maxwell Hunt Winkler who is better  
10 described as a white male with a date of birth of  
11 March 13, 1997, approximately 5 foot 7 in height,  
12 approximately 150 pounds with brown hair, brown eyes,  
13 and an operator's license number of 3570273777 for the  
14 purpose of securing sufficient biological samples to  
15 perform DNA analysis and DNA comparison from items  
16 associated with the investigation that you just  
17 described, as well as obtain photographic imagery of  
18 Maxwell Hunt Winkler?

19 A Yes.

20 Q And the purpose of the photographic imagery is to  
21 possibly put together photographic lineups?

22 A Yes, sir.

23 Q For identification purposes?

24 A Yes, sir.

25 MR. WEHMUELLER: Your Honor, after all that, that



1 is all the questions the State has.

2 THE COURT: Let the record show the Court now  
3 admits the exhibits for purposes of the probable cause  
4 hearing.

5 **(STATE'S EXHIBIT NOS. 1-4 ADMITTED)**

6 THE COURT: Court finds probable cause at 10:34  
7 p.m. on this, November 3, 2014, to seize the person of  
8 Maxwell Hunt Winkler and to search as described in the  
9 probable cause. Also to enter the residences as shown  
10 at 12478 Hawks Landing Drive, Fishers, Hamilton  
11 County, Indiana and to search for the items as set  
12 forth in the testimony and also the residence at 10109  
13 Cheswick Lane, Fishers, Hamilton County, Indiana. And  
14 the Court will find probable cause for the items again  
15 as set forth in the testimony and as set forth in the  
16 proposed warrants that have been presented to the  
17 Court for signature. Is there anything else that we  
18 need for the record at this time?

19 MR. WEHMUELLER: No, sir, Your Honor, thank you  
20 very much.

21 THE COURT: That's all for the record.

22 (THE HEARING WAS CONCLUDED)  
23  
24  
25

STATE OF INDIANA       )  
                                  ) SS:  
COUNTY OF HAMILTON    )

**REPORTER'S CERTIFICATION**

I, Robin McNew, certified transcriptionist with M&M Reporting, Inc., do hereby certify that I am an official court reporter of Hamilton Superior Court 3, duly appointed and sworn to report the evidence of causes tried therein;

That upon commencement of the hearing of this cause beginning on the 3rd day of November, 2014, M&M Reporting, Inc. transcribed all statements by counsel, the evidence given during the trial of this cause, the objections of counsel thereto, and the rulings of the Court upon such objections, the introduction of exhibits, the objections thereto, and the Court's rulings thereon.

I further certify that the foregoing transcript, as prepared, is a full, accurate, correct, and complete transcription of all matters contained in the recorded proceedings.

WITNESS MY HAND AND SEAL this \_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Robin McNew, CERT\*D-414  
M&M Reporting, Inc.



This is a high-contrast, black and white aerial photograph of a suburban neighborhood. The map shows a grid of streets with several houses and green spaces. Key streets labeled include Lakeland Dr at the top, Windermere Blvd running horizontally across the middle, and Parkway Dr, Olympia Dr, and Woodmont Dr running vertically. Mollenkopf Rd is visible at the bottom. House numbers are clearly marked on several properties, including 9798, 9898, 9998, and 10801. The terrain appears to be a mix of paved roads, lawns, and some wooded areas. The overall image has a grainy, high-contrast quality typical of older aerial photography.

EE9711151

10891



E.V.L. 4 7







Address 10109 Cheswick Ln

Address is approximate

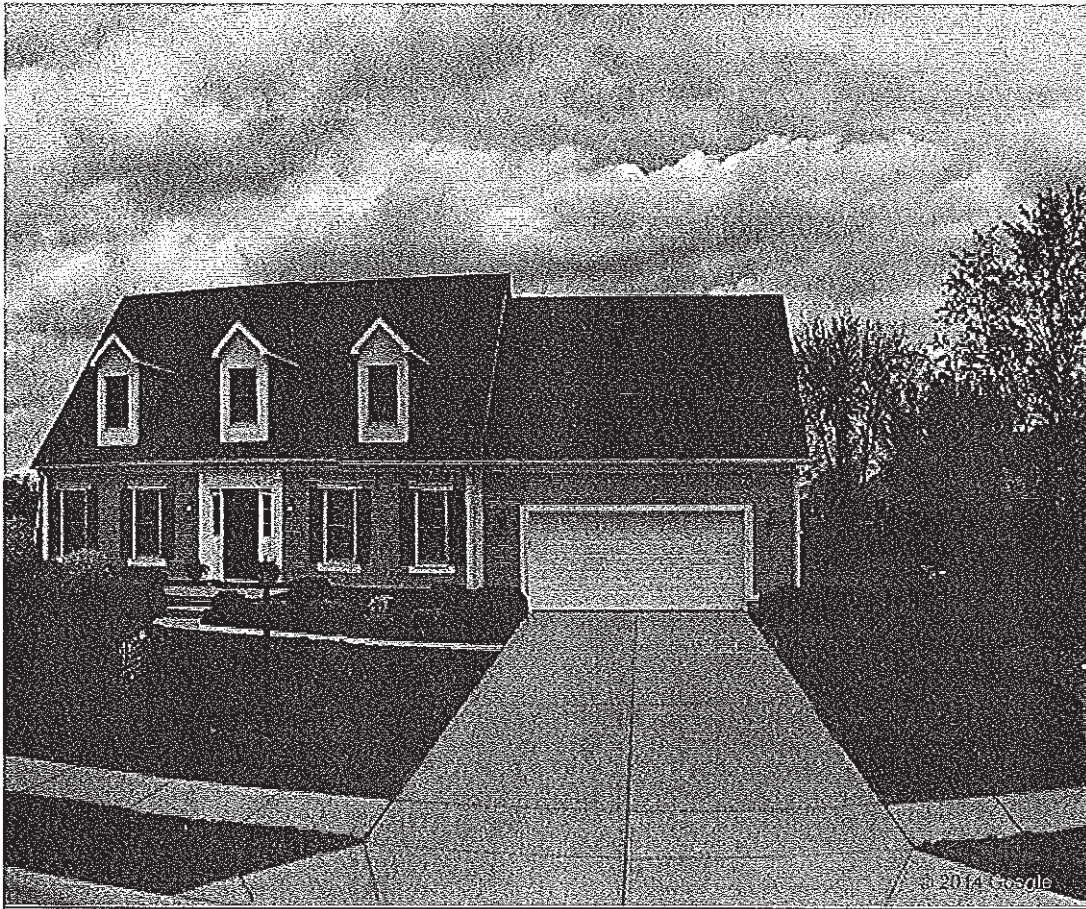


Exhibit 3





FIG. 14 - PART 1



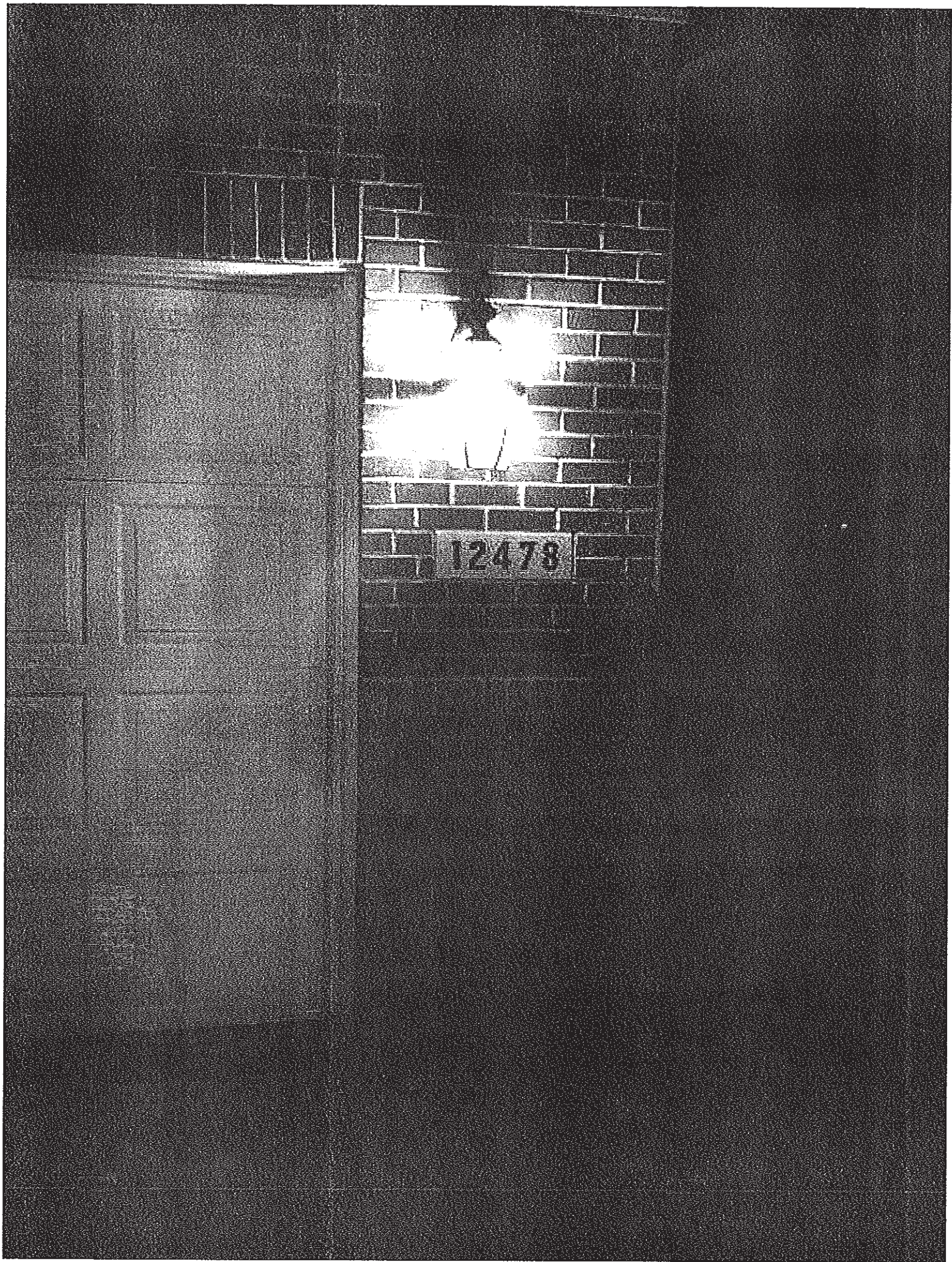


EXHIBIT 4 - PART 2



STATE OF INDIANA       )  
                              ) SS:  
COUNTY OF HAMILTON    )

IN THE SUPERIOR COURT NO. 3 OF HAMILTON COUNTY

STATE OF INDIANA,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	29D03-1411-MR-9033
	)	
MAXWELL HUNT WINKLER,	)	
	)	
Defendant.	)	

\* \* \* \* \*

TRANSCRIPT OF PROBABLE CAUSE HEARING

\* \* \* \* \*

BEFORE THE HONORABLE  
STEVEN R. NATION, JUDGE  
HAMILTON SUPERIOR COURT NO. 1  
ON NOVEMBER 4, 2014.



A P P E A R A N C E S

Jeffrey WehmueUer  
Hamilton County Prosecutor's Office  
One Hamilton County Square, Suite 134  
Noblesville, IN 46060

On behalf of the State

1           THE COURT: Let the record show that we're here in the  
2 matter of State of Indiana v. Maxwell Hunt Winkler under  
3 pending cause number, this being November 4th at  
4 approximately 3:48 a.m. in the morning. Is the State ready  
5 to proceed with probable cause?

6           MR. WEHMUELLER: Yes, sir, Your Honor.

7           THE COURT: Call your first witness.

8           MR. WEHMUELLER: Your Honor, the State would call  
9 Douglas Baker of the Fishers Police Department.

10          THE COURT: And, sir, would you please raise your  
11 right hand.

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1 D O U G L A S     B A K E R,

2 After first being duly sworn to tell the truth, the whole  
3 truth, and nothing but the truth, was examined and  
4 testified as follows:

5        MR. WEHMUELLER: Before we proceed, Your Honor, the  
6 State would humbly move to incorporate testimony that was  
7 given in support of search warrants for 12478 Hawks Landing  
8 in Fishers, Indiana, as well as the search warrant for  
9 10109 Cheswick Lane, Fishers, Indiana, and the search  
10 warrant for Maxwell Hunt Winkler that was issued earlier at  
11 10:34 p.m. on November 3rd.

12        THE COURT: And that was for - did you say 12478?

13        MR. WEHMUELLER: Yes, sir, Hawks Landing.

14        THE COURT: And the Court will incorporate for  
15 purposes of this probable cause the probable cause given at  
16 that time on November the 3rd concerning those three search  
17 warrants.

18        MR. WEHMUELLER: Thank you, Your Honor.

19 **DIRECT EXAMINATION**

20 **QUESTIONS BY MR. WEHMUELLER:**

21 Q        Would you please state your full name for the record,  
22 please.

23 A        Douglas Elliott Baker. B-A-K-E-R.

24 Q        And are you the same Detective Baker that testified  
25 earlier in support of search warrants that have been

1 incorporated into this hearing today?

2 A Yes, sir.

3 Q Now, there have been some developments since we  
4 appeared before the Court at 10:34 p.m. yesterday  
5 evening. Did you serve those search warrants,  
6 particularly the one at 10109 Cheswick Lane in  
7 Fishers, Indiana?

8 A Yes, sir, I did.

9 Q And during the course of that search, one of the items  
10 you were looking for was for .22 caliber ammunition  
11 and a .22 caliber weapon that would be consistent with  
12 the casings that were found by the Fishers Police  
13 Department as well as slugs that were extracted from  
14 the victim, Henry Kim; is that correct?

15 A Yes, sir.

16 Q And during the course of that search did you find  
17 ammunition that was consistent with the casings and  
18 the bullet slugs that were removed from Mr. Kim?

19 A Yes, sir, I did.

20 Q I want to hand you what has been marked for  
21 identification purposes as State's Exhibit No. 1 and  
22 ask you is that a box of ammunition that would be  
23 consistent with the rounds that were taken from Mr.  
24 Kim, as well as the casings?

25 A Yes, sir, it is.

1 Q And in Exhibit 2 is that the open box, the box that's  
2 shown in Exhibit 1, demonstrating the consistent  
3 nature of the ammunition that you found that had been  
4 used against Mr. Kim?

5 A Yes, it is.

6 Q Could you explain to the Judge exactly the ammunition  
7 and how it is consistent with the slugs that were  
8 pulled from Mr. Kim?

9 A Yes, sir. These are all .22 long rifles, same caliber  
10 that was pulled from Mr. Kim and the shell casings  
11 found next to Mr. Kim. On the head stamp right here  
12 on the bottom of these round is a letter C stamped  
13 just like the shell casings found next to Mr. Kim and  
14 next to the van at the homicide scene. The lead color  
15 or silver-gray color and to the bullet was consistent  
16 with the same color and same style of round pulled  
17 from Mr. Kim's body by the pathologist. Three rounds  
18 found in his body.

19 Q Thank you. And also during the course of the search  
20 you were looking for documents that demonstrated a  
21 desire or a methodology for planning to kill people or  
22 injure people?

23 A Yes, sir.

24 Q Did you or another member of the Fishers Police  
25 Department find such a list or lists in the Cheswick

1 Lane address during the search?

2 A Yes, sir, we did.

3 Q And did you find those documents or did another

4 officer?

5 A No, sir, I did not. I was made aware of them by

6 Officer Detective Jim Hawkins.

7 Q And he's an evidence technician?

8 A He's the evidence technician processing that address

9 of 10109 Cheswick Drive.

10 Q And did he send you photographs of letters or lists

11 prepared by Mr. Winkler?

12 A Yes, sir, he did.

13 Q I'm going to show you what has been marked for

14 identification purposes as State's Exhibit No. 3 and

15 ask you is that a letter that was sent to you by

16 Detective Hawkins?

17 A Yes, sir, it is.

18 Q And I'll hand you State's Exhibit No. 4 and ask you if

19 that is an image of a letter that was sent to you by

20 Detective Hawkins?

21 A Yes, it is.

22 Q Now, did Detective Hawkins tell you where these

23 letters were found inside the Cheswick Lane address?

24 A Yes, he did.

25 Q And where were they?

1 A They were found in what we were made aware as Maxwell  
2 Winkler's bedroom. We were pointed to his bedroom by  
3 his mother, Ann Johnson. She identified that as his  
4 bedroom and it was inside of a billfold found inside  
5 that bedroom along with Maxwell Winkler's  
6 identification.

7 Q His school identification?

8 A Driver's license.

9 Q Driver's license, okay. Thank you very much. And did  
10 you also during the course of the search find the  
11 remnants of Mr. Winkler's hair and beard that was  
12 consistent with the actions described by (REDACTED)  
13 Winkler when he said that he came home on November 1st  
14 and cut his beard and hair?

15 A Yes, sir. I was made aware that inside the trash can  
16 in the bathroom, which would be identified as Maxwell  
17 Winkler's bathroom, and in a razor was hair consistent  
18 of beard style hair, not close shaven, but longer  
19 growth beard.

20 Q And that was, those were actions that he took after  
21 the death of Mr. Kim; is that correct?

22 A Yes, sir.

23 Q To change his appearance?

24 A Yes, sir.

25 Q And did it change his appearance?

1 A Yes, sir, it did.

2 MR. WEHMUELLER: Your Honor, at this point we  
3 would move to admit State's Exhibits No. 1 through 4.

4 Q And the location where Henry Kim was killed, is that  
5 within the confines of Hamilton County, State of  
6 Indiana?

7 A Yes, sir, it is.

8 Q And are you requesting that the Court find probable  
9 cause for the issuance of a warrant for Maxwell Hunt  
10 Winkler for the charge of Murder?

11 A Yes, sir, I am.

12 Q And is he more particularly described as a white male  
13 approximately 5 foot 7, weighing approximately 150  
14 pounds with brown hair, brown eyes?

15 A Yes, sir.

16 Q And does he have a date of birth of, actually that  
17 should be March, or excuse me, March 13, 1997.

18 A Yes, March 13, 1997.

19 MR. WEHMUELLER: And that completes the State's  
20 questions.

21 **QUESTIONS BY THE COURT:**

22 Q On Exhibit 2, if I remember in the first probable  
23 cause there was an unspent shell out at one of the  
24 locations I think.

25 A Yes, Your Honor.



1 Q Were the shells that were found in the box in Exhibit  
2 2 consistent with that unspent shell?

3 A Yes, sir, it is.

4 THE COURT: The Court will find probable cause.  
5 The Court will note for the record that the State of  
6 Indiana has provided the Court with information for  
7 Count 1, Murder, against Maxwell Hunt Winkler as  
8 described in the probable cause. And the Court does  
9 now find probable cause for the issuance of an arrest  
10 warrant in support of the charge filed herein. The  
11 Court being duly advised does now find that there is  
12 probable cause for that count of Count 1, Murder,  
13 pursuant to statute. The Court issues the warrant for  
14 the arrest of the Defendant and orders no bond set for  
15 the reason that it is the charge of Murder.

16 MR. WEHMUELLER: Under Indiana Code 35-33-8-2 no  
17 bail will be set.

18 THE COURT: Is there anything else we need for  
19 the record?

20 MR. WEHMUELLER: No, sir, Your Honor, I believe  
21 that takes care of it. And we have provided a sample  
22 of a warrant.

23 THE COURT: And I will go ahead and also a  
24 proposed order and I will sign that. I'll show that  
25 this is November 4th and the time is 3:58 a.m. in the

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morning. Is there anything else?

MR. WEHLMUELLER: No, sir. Thank you very much  
for all your effort and listening to our probable  
cause at such an inconvenient time.

THE COURT: No problem.  
(THE HEARING IN THIS CAUSE CONCLUDED)

STATE OF INDIANA       )  
                                  ) SS:  
COUNTY OF HAMILTON    )

**REPORTER'S CERTIFICATION**

I, Robin McNew, certified transcriptionist with M&M Reporting, Inc., do hereby certify that I am an official court reporter of Hamilton Superior Court 3, duly appointed and sworn to report the evidence of causes tried therein;

That upon commencement of the hearing of this cause beginning on the 4th day of November, 2014, M&M Reporting, Inc. transcribed all statements by counsel, the evidence given during the trial of this cause, the objections of counsel thereto, and the rulings of the Court upon such objections, the introduction of exhibits, the objections thereto, and the Court's rulings thereon.

I further certify that the foregoing transcript, as prepared, is a full, accurate, correct, and complete transcription of all matters contained in the recorded proceedings.

WITNESS MY HAND AND SEAL this \_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Robin McNew, CERT\*D-414  
M&M Reporting, Inc.



50 CARTRIDGES/CARTOUCHES

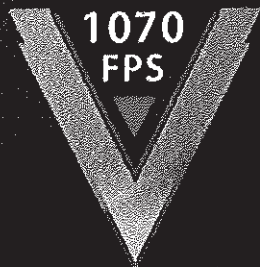
**CCI**®

STANDARD VELOCITY

**22 LR**



22 LONG RIFLE  
LEAD ROUND NOSE



40 GRAIN  
TARGET

0035

*Exhibit 1*





Exhibit 2



## \* Supplies & Preparation

### ① AFTER

#### - BACKPACK

- Second set clothes

- Second Jacket

- Second pair of gloves

- TWO trash bags

- TWO towels

- TWO Water bottles

Before & during

#### - BACKPACK

- dark JACKET

- GLOVES

- kill tools

- TWO Gas orades

## \* Steps

① Prepare site And prepare tools for clean up

② select prey; either WAIT or active HVA.

③ either wait and act inispiouse (fling with phone and wave) till prey passes by to strike or surprise attack using BIKY near site.

PT 1- BIKY towards and past then drift into place & strike or drift into place

PT 2- BIKY UP BEHIND AT speed, drift into place and strike from behind or bike past, drift in front of prey, drift into place and strike.

④ enjoy kill (shoot twice at most, slit throat, don leave right away)

⑤ Get BACK to safe site to clean up

⑥ clean up, pack up.

⑦ Get the hell outa Dodge.

Exhibit 3



Packed & pre-arranged inside a backpack

- 1 trash bag & 2 regular plastic bags.
- 2 Water bottles.
- 1 bottle of Accelerant (gasoline, diesel fuel, rubbing alcohol, ect).
- Set of clean cloths; long sleeve shirt, long pants, socks, possibly gloves.
- 2 clean towels

To bring:

gloves, & costume  
knives  
lighter

(2nd)  
Steps

(first)

Directly After School

- hang jacket up
- prep kill site
- ~~find prey~~
- wear mask, look out & double tap
- drive to kill site
- ensure prey doesn't wake up
- kill & enjoy.
- save trophy
- clean up & burn all except knives, trophy & costume unless dirty
- take off cloths and burn them, put on second set.
- double check everything.
- check 2nd cloths for unwanted evidence
- put on costume / or jacket & calmly get out of dodge
- visit houses

Locations & times: Hamilton property trail; howloween or any set-up time

Hamilton property intimate trail area; howloween or any set-up time

Wildameir Walkway: only howloween

Exhibit 4



\* \* \*



STATE OF INDIANA )  
 )  
COUNTY OF HAMILTON )

IN THE HAMILTON SUPERIOR COURT  
NO. 3  
CAUSE NO. 29D03-1411-MR-9033

STATE OF INDIANA )  
 )  
 )  
 )  
MAXWELL HUNT WINKLER, )  
Defendant. )

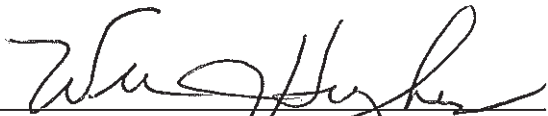
**ORDER**

Comes now the Court having examined the State's Motion to Maintain Transcript of Probable Cause Hearings in Confidential File and Provide a Redacted Version Thereof for Public Access filed by Chief Deputy Prosecuting Attorney Andre Miksha, and the Court being duly advised in the premises, does now GRANT said motion and ORDER as follows:

The transcripts of the probable cause hearings held on November 3 and 4, 2014 shall be maintained in the confidential file for this cause. Redacted versions of those transcripts are being released to the public in response to public information requests. Said redactions have removed from said transcript the street number, street name, city and state of natural person witnesses pursuant to Administrative Rule 9(g)(e)(1) and the names of juvenile witnesses under the Court's authority found in Administrative Rule 9(g)(c). In each instance where information has been redacted the word "redacted" appears in the redacted transcript.

Requests for access to the redacted portion of the transcripts by any person other than a named party or counsel of a named party shall be made pursuant to Administrative Rule 9(I).

So Ordered this 6<sup>TH</sup> day of NOVEMBER, 2014.



---

Honorable William J. Hughes  
Judge, Hamilton Superior Court No. 3

Copies to:

Prosecuting Attorney  
James Hugh Voyles, Jr., Defense Attorney  
Andrew Barker, Defense Attorney